

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

NENAD JANKOVIC,)	
)	CASE NO. 5:22CV1619
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
CHIEF JUSTICE MAUREEN O'CONNOR,)	
<i>et al.</i> ,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Defendants.)	<u>ORDER</u>

I. Background

On September 12, 2022, *pro se* Plaintiff Nenad Jankovic filed this civil rights action against Defendants Ohio Supreme Court Chief Justice Maureen O'Connor, Judicial Assignment Analyst Diane Hayes, and Ohio Assistant Ohio General Ann Yackshaw. See [ECF No. 1](#). Plaintiff also filed a Motion to Proceed *in forma pauperis* ("IFP"). See [ECF No. 2](#).

The Complaint does not set forth cogent factual allegations or legal claims. In one paragraph, it states:

Maureen O'Connor signiture [sic] illegal Certificet [sic] of Assignment for visiting judge for illegal time and destroy evidence for what, I think, inside self-interest murder.

Diana Hayes said it is legal document tried to coverd [sic] destroyed evidence and swear on falce documente [sic].

Ann Yackshaw quash my subpoena that I can not provide in Court that is judge illegal and that is all illegal document and that Supreme Court destroyed some evidence.

[ECF No. 1 at PageID #: 4.](#)

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The relief sought is incomprehensible. Plaintiff asks the Court “[t]o find out why they wanted illegal court, did was in destroyed evidence elected judge thak [sic] about self-interest murder and is my life safe.” [ECF No. 1 at PageID #: 5](#).

For the reasons set forth, Plaintiff’s application to proceed *in forma pauperis* ([ECF No. 2](#)) is granted, and the Complaint ([ECF No. 1](#)) is dismissed.

II. Standard of Review

When a plaintiff is proceeding without the assistance of counsel, a court is required to construe the complaint indulgently and hold it to less stringent standards than formal pleadings drafted by lawyers. See [Haines v. Kerner](#), 404 U.S. 519, 520 (1972); [Hahn v. Star Bank](#), 190 F.3d 708, 715 (6th Cir. 1999). Nonetheless, the lenient treatment accorded *pro se* plaintiffs has limits. See e.g., [Pilgrim v. Littlefield](#), 92 F.3d 413, 416 (6th Cir.1996). Even *pro se* plaintiffs must satisfy basic pleading requirements, and the liberal construction afforded *pro se* pleadings "does not require a court to conjure allegations on a litigant's behalf." [Martin v. Overton](#), 391 F.3d 710, 714 (6th Cir. 2004).

Federal district courts are expressly required, under [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#), to screen all *in forma pauperis* complaints filed in federal court, and to dismiss before service any such complaint that the court determines is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. See [Hill v. Lappin](#), 630 F.3d 468, 470-71 (6th Cir. 2010). In order to survive a dismissal for failure to state a claim, a complaint must set forth "sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Id.* (holding that the dismissal standards

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articulated in [*Ashcroft v. Iqbal*, 556 U.S. 662 \(2009\)](#) and [*Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 \(2007\)](#) govern dismissals for failure to state a claim under [§ 1915\(e\)\(2\)\(B\)](#). The complaint's "allegations must be enough to raise a right to relief above the speculative level." [*Twombly*, 550 U.S. at 555](#). And the complaint must set forth allegations sufficient to "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." [*Erickson v. Pardus*, 551 U.S. 89, 93 \(2007\)](#).

III. Analysis

On review, the Court finds the Complaint must be dismissed pursuant to [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#) for failure to state a claim upon which Plaintiff may be granted relief. The statements in the pleading are incomprehensible, conclusory, and fail to meet basic pleading requirements. Even accorded the deference to which a *pro se* pleading is entitled, the Complaint is insufficient to state any plausible non-frivolous federal claim against any Defendant. *See Lillard v. Shelby County Bd. of Educ.*, 76 F.3d 716, 726 (6th Cir. 1996) (noting that a court is not required to accept summary allegations or unwarranted conclusions in determining whether a complaint states a claim for relief).

Furthermore, judges, judicial officers, and prosecutors – the only defendants named – are immune from suits brought under [42 U.S.C. § 1983](#) arising out of the performance of their judicial, quasi-judicial, and prosecutorial functions. *See Wappler v. Carniak*, 24 F. App'x 294 (6th Cir. 2001); *Ireland v. Tunis*, 113 F.3d 1435 (6th Cir. 1997); *Foster v. Walsh*, 864 F.2d 416 (6th Cir. 1988). Accordingly, the Complaint is also subject to dismissal to the extent it purports to allege federal civil rights claims under [§ 1983](#) arising out of the named Defendants'

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performance of judicial, quasi-judicial, and prosecutorial functions as to which they are immune from suit.

IV. Conclusion

Based on the foregoing, the Complaint is dismissed pursuant [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#). The Court further certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

January 31, 2023
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge